



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No. 9276 of 2021

Abzal Sheriff ... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Represented by its Secretary,
Commercial Tax Department,
St.Fort George, Chennai,

2. The Commissioner of Commercial Taxes,
Chepauk, Chennai,

3. The Joint Commissioner, (ST) (INTELLIGENCE),
Trichy Division,
Commercial Tax office,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to consider the petitioner's application dated 27.12.2020.

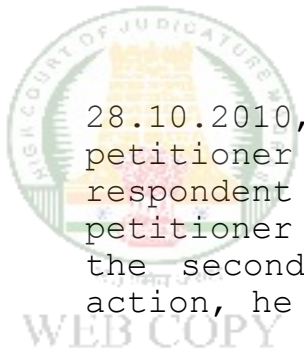
For Petitioner : Mr.J.Madhu

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.

O R D E R

The relief sought for in the present Writ Petition is to direct the second respondent to consider the appeal of the petitioner dated 27.12.2020.

2. According to the petitioner, he has been appointed as Record Clerk in the year 1993 at Mayavaram Circle II. Thereafter, in the year 2002, the petitioner was promoted as Junior Assistant and transferred to Woriyur Circle. Finally, he was working under the Joint Commissioner (ST) of Commercial Taxes, Trichy. On 11.08.2014, a charge memo was issued by the second respondent, in which, totally six charges are leveled against the petitioner and thereafter, on



28.10.2010, the third respondent has passed an order dismissing the petitioner from service. However, the order passed by the third respondent is disproportionate to the charges levelled against the petitioner in the charge memo. Hence, he has filed an appeal before the second respondent on 27.12.2020. Since there is no positive action, he has filed the present Writ Petition.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that it would suffice if the appeal of the petitioner dated 27.12.2020 is directed to be disposed of, within a stipulated time limit.

4. In view of the limited relief sought for, this Court, without expressing anything on the merits of the case, directs the second respondent to consider the petitioner's appeal dated 27.12.2020 and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Secretary,
The Government of Tamil Nadu,
Commercial Tax Department,
St.Fort George,
Chennai,



2. The Commissioner of Commercial Taxes,
Chepauk, Chennai,
3. The Joint Commissioner, (ST) (INTELLIGENCE),
Trichy Division,
Commercial Tax office,
Trichy.

+1 CC to M/s.SPL.GP (SR-4191[F] dated 04/02/2022)

+1 CC to M/s.J.MADHU, Advocate (SR-4429[F] dated 07/02/2022)

ORDER MADE IN
W.P (MD) No. 9276 of 2021
03.02.2022

PKP/05.04.2022/3P/6C